

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

REMARKS

Claims 1 and 3-19 are pending in this application. Claims 1, 3-9, and 18-19 are rejected, claims 10-17 having been withdrawn from consideration. Claims 1, 8, and 18 are amended; and claim 20 is added hereby.

Responsive to the rejection of claims 1 and 5-6 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,740,906 (Lai) and claim 1 under 35 U.S.C. § 102(b) as being unpatentable over both U.S. Patent No. 5,111,939 (Schafer) and U.S. Patent No. 5,882,097 (Kohagen et al.), Applicants have amended claim 1. Accordingly, Applicants submit that claim 1, and claims 5-6 depending therefrom, are now in condition for allowance.

Lai discloses a container combination for stationary goods. This container combination includes a central container assembly 2 and a lateral container assembly 1 mounted on a common baseplate 50. Lateral container assembly 1 includes a plurality of containers 132, each having an open top. The top container may have an enclosure lid 10. Containers 132 can separately rotate horizontally along a common vertical pivot axis. When containers 132 are rotated separately and at varying distances, containers 132 are offset from each other (Figs. 1 and 2).

Schafer discloses a stacked structure including a plurality of identical box-like units 10 including rear wall means 18, a flat floor 22, a roof 25, and a front wall means or planar face 26. Units 10 are arranged one atop the other such that each unit presents a front face 26 angled to the vertical in such fashion that front face 26 of each unit forms a dihedral angle with its next lower and next upper unit. That is, the roof and floor of each unit diverge rearwardly and are, thus, nonparallel. The slope of the roof of each unit provides a non-horizontal support for the next higher or second unit, wherein that second unit may be said to have a slight forward "tilt" such that its front face 26 is not coplanar with the front face 26 of the base unit. Nor is the front face 26 of the third unit coplanar with the front face 26 of the second unit (Abstract; column 2, lines

SMT0077.US

8

39-50). Front face 26 of the base slopes rearwardly away from a vertical 40 forming an angle D. Front face 26 of the second unit slopes away from a vertical 42 at an angle E. Front face 26 of the third unit slopes away from a vertical 44 by an angle F (Fig. 5). Angle F is less than angle E, and angle E is less than angle D (column 2, lines 61-64). For each unit, the junction of the front face and the floor forms an angle B which is less than ninety degrees, while the junction of the front face and the roof forms an angle C which is greater than ninety degrees (column 2, lines 67-68). Furthermore, each unit is fixedly adhered floor-to-roof to its neighbor, except as to the floor of the lowermost unit which may be adhered or otherwise affixed to a supporting surface (column 1, lines 48-51).

Kohagen et al. discloses a tool box. The tool box includes a lower bin 10, a hinged cover 12, containers 50, a tray 64, and molded recesses 40. Lower bin 10 includes a bottom wall 24 and a back wall 30. Molded recess 40 includes cross members or brackets 48 which define a bottom or base of a compartment opening defined by recess 40 (Fig. 3)(column 2, lines 61-64; column 3, lines 3-4). Container 50 fits within recess 40 and is supported by cross members or brackets 48 (column 3, lines 1-4). Back wall 30 includes molded, inner reinforcing ribs 60 which are vertical on the inside of back wall 30. Ribs 60 include a series of ledges 62 which are support ledges for tray 64 (column 3, lines 12-15). Tray 64 includes side walls 74 and 76. Side walls 74, 76 define edges such as edge 78 for side wall 76. Edge 78 rests upon ledges 62, thus supporting tray 64. Side wall 74 includes an edge 80. Edge 80 rests against the top of a wall 44 associated with recess 40, further supporting tray 64 within bin 10 (column 3, lines 20-26)(Fig. 3). Cover 12 also serves to hold container 50 and tray 64 in place (column 3, lines 40-45).

In contrast, claim 1, as amended, recites in part "each of said plurality of sterilization cases being separately movable between a closed position and at least a partially open position, said second sterilization case offset from said first sterilization case in a direction transverse to said

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

vertical direction when both said first and said second sterilization cases are in closed positions, in said closed position each of said plurality of sterilization cases having a general box shape and separately including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when each of said first and said second sterilization cases are in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Lai, Schafer, and Kohagen et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Lai discloses that bottom container 132 can be covered by the middle container of the stack of three containers while top container 13 is covered by lid 10 and is rotationally displaced from bottom container 132 and the middle container. Lai, however, fails to disclose the bottom wall of top container 13 at least partially directly contacting a top wall of bottom container 132 when both bottom container 132 and top container 13 are in closed positions. Shafer discloses a plurality of box-like units each having a top wall and a bottom wall which are not parallel to one another. Shafer also discloses that the top wall is not horizontally oriented. Shafer, thus, fails to disclose a case having top and bottom walls which are substantially parallel relative to one another and a top wall which is generally horizontally oriented. Kohagen et al. discloses a tray 64 which rests inside bin 10. Bin 10 has a cover 12 which also covers tray 64 when tray 64 rests inside bin 10. Thus, when tray 64 rests inside bin 10, the bottom of tray 64 does not directly contact a top wall of bin 10. Kohagen et al., thus, fails to disclose a bottom wall of a second case

SM10077.US

10

at least partially directly contacting a top wall of a first case when each of the first and second cases are in a closed position.

An advantage of the present invention is that each sterilization case has its own top and bottom walls in respective closed positions. Further, the top and bottom walls are simply made to be substantially parallel to one another and generally horizontally oriented in their respective closed positions.

For the foregoing reasons, Applicants submit that claim 1, and claims 5-6 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of U.S. Patent No. 5,680,957 (Liu), Applicants have amended claim 1. Accordingly, Applicants submit that claim 3, depending on claim 1, is now in condition for allowance.

Schafer is discussed above.

Liu discloses a drawer-type storage bin including an inner case 1 and an outer housing 2. Outer housing 2 is a rectangular body having an opening 21 on the front side. Inner case 1 is fittedly received in outer housing 2. Inner case 1 includes a front face 12 having a slightly outwardly bending curved surface. Outer housing 2 also includes a set of protruding buckles 22 on the top edge of the rear side of outer housing 2. When storage bins are stacked one on another, locking strips 23 with locking holes 231 engage buckles 22 (Fig. 2). Upper and lower areas of outer housing includes grooves and protruding ribs for connecting stacked bins (column 1, lines 49-55).

In contrast, claim 1, as amended, recites in part "said second sterilization case offset from said first sterilization case in a frontward to rearward direction, each of said plurality of sterilization cases being separately movable between a closed position and at least a partially open

SMI0077.US

11

position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions, in said closed position each of said plurality of sterilization cases having a general box shape and separately including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when each of said first and said second sterilization cases are in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer and Liu, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Shafer discloses a plurality of box-like units each having a top wall and a bottom wall which are not parallel to one another. Shafer also discloses that the top wall is not horizontally oriented. Shafer, thus, fails to disclose a case having top and bottom walls which are substantially parallel relative to one another and a top wall which is generally horizontally oriented. While Liu discloses stacked storage bins, Liu does not disclose these bins being offset; indeed, given the grooves and protruding ribs on the top wall of each bin and the stack of bins shown in Fig. 2, Applicants submit that the bins cannot be transversely offset in a frontward to rearward direction.

An advantage of the present invention is that each sterilization case has its own top and bottom walls in respective closed positions. Further, the top and bottom walls are simply made to be substantially parallel to one another and generally horizontally oriented in their respective

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

closed positions. Yet further, the first and second sterilization cases are offset relative to one another to prevent tipping during use.

For the foregoing reasons, Applicants submit that claim 3, depending on claim 1, is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Schafer in view of Liu as applied to claims 1 and 3 above and further in view of U.S. Patent No. 5,078,460 (Holsinger), Applicants have amended claim 1. Accordingly, Applicants submit that claims 4-5, depending on claim 1, are now in condition for allowance.

Schafer is discussed above.

Liu is discussed above.

Holsinger discloses a portable work station 10 in the form of a compact briefcase. Portable work station 10 includes a stiff main shell 12 which houses drawers 40 and 42.

In contrast, claim 1, as amended, recites in part “said second sterilization case offset from said first sterilization case in a frontward to rearward direction, each of said plurality of sterilization cases being separately movable between a closed position and at least a partially open position, said second sterilization case offset from said first sterilization case in a direction transverse to said vertical direction when both said first and said second sterilization cases are in closed positions, in said closed position each of said plurality of sterilization cases having a general box shape and separately including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case

SM10077.US

13

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

when each of said first and said second sterilization cases are in said closed position." (Emphasis

added). Applicant submits that such an invention is neither taught, disclosed or suggested by Schafer, Liu, and Holsinger, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Shafer discloses a plurality of box-like units each having a top wall and a bottom wall which are not parallel to one another. Shafer also discloses that the top wall is not horizontally oriented. Shafer, thus, fails to disclose a case having top and bottom walls which are substantially parallel relative to one another and a top wall which is generally horizontally oriented. While Liu discloses stacked storage bins, Liu does not disclose these bins being offset; indeed, given the grooves and protruding ribs on the top wall of each bin and the stack of bins shown in Fig. 2, Applicants submit that the bins cannot be transversely offset in a frontward to rearward direction. While Holsinger discloses a portable work station including a main shell housing drawers, Holsinger fails to disclose a plurality of portable work stations stacked on top of each other and offset from each other.

An advantage of the present invention is that each sterilization case has its own top and bottom walls in respective closed positions. Further, the top and bottom walls are simply made to be substantially parallel to one another and generally horizontally oriented in their respective closed positions. Yet further, the first and second sterilization cases are offset relative to one another to prevent tipping during use.

For the foregoing reasons, Applicants submit that claims 4-5, depending on claim 1, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 8 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,518,139 (Trower et al.), Applicants have amended claim 8. Accordingly, Applicants submit that claim 8 is now in condition for allowance.

SMI0077.US

14

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

Trower et al. discloses a portable storage assembly. The storage assembly includes a bottom tub container 20, a series of at least two trays 22 (bottom tray) and 24 (top tray) which nest one within the other and which collectively nest in the tub container 20, and a cover 26 (Figs. 1 and 3). Bottom tray 22 is held in container 20 by cooperative engagement of peripheral rib 60 of bottom tray 22 and flange 54 defined around the periphery of container 20 (column 3, lines 12-21)(Fig. 8). Similarly, top tray 24 is held in bottom tray 22 by cooperative engagement of circumferential rib 60 of top tray 24 and peripheral rib 60 of bottom tray 22 (column 3, lines 47-57)(Fig. 8).

In contrast, claim 8, as amended, recites in part "each of said plurality of sterilization cases being separately movable between a closed position and an open position, in said closed position each of said plurality of sterilization cases having a general box shape and separately including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases are in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Trower et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Trower et al. discloses tray 22 nested within tub container 20. Trower et al., however, fails to disclose tray 22 having a bottom wall at least partially directly contacting a top wall of tub container 20 in the closed position, the bottom wall of tray 22 and the top wall of tub container 20

being substantially parallel relative to one another and generally horizontally oriented in the closed position.

An advantage of the present invention is ease of access to instruments contained within the cases when the cases are stacked.

For the foregoing reasons, Applicants submit that claim 8 is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Trower et al. in view of Kohagen et al., Applicants have amended claim 8. Accordingly, Applicants submit that claim 9, depending on claim 8, is now in condition for allowance.

Trower et al. is discussed above.

Kohagen et al. is discussed above.

In contrast, claim 8, as amended, recites in part "each of said plurality of sterilization cases being separately movable between a closed position and an open position, in said closed position each of said plurality of sterilization cases having a general box shape and separately including a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said plurality of sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases are in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Trower et al. and Kohagen et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

Trower et al. discloses tray 22 nested within tub container 20. Trower et al., however, fails to disclose tray 22 having a bottom wall at least partially directly contacting a top wall of tub container 20 in the closed position, the bottom wall of tray 22 and the top wall of tub container 20 being substantially parallel relative to one another and generally horizontally oriented in the closed position. Kohagen et al. discloses a tray 64 which rests inside bin 10. Bin 10 has a cover 12 which also covers tray 64 when tray 64 rests inside bin 10. Thus, when tray 64 rests inside bin 10, the bottom of tray 64 does not directly contact a top wall of bin 10. Kohagen et al., thus, fails to disclose a bottom wall of a second case at least partially directly contacting a top wall of a first case when each of the first and second cases are in a closed position.

An advantage of the present invention is that each sterilization case has its own top and bottom walls in respective closed positions.

For the foregoing reasons, Applicants submit that claim 9, depending on claim 1, is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 18-19 under 35 U.S.C. § 102(b) as being unpatentable over Lai and Schafer, Applicants have amended claim 18. Accordingly, Applicants submit that claim 18, and claim 19 depending therefrom, are now in condition for allowance.

Lai is discussed above.

Schafer is discussed above.

In contrast, claim 18, as amended, recites in part "providing both said first and said second sterilization cases are separately movable between a closed position and at least a partially open position; providing that in said closed position each of said first and said second sterilization cases have a general box shape and separately include a plurality of walls defining said general box shape, in said closed position said plurality of walls of each of said first and said second sterilization cases including a top wall and a bottom wall, said top wall and said bottom wall of

SMI0077.US

17

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

each of said first and said second sterilization cases being substantially parallel relative to one another in said closed position and generally horizontally oriented in said closed position, said bottom wall of said second sterilization case at least partially directly contacting said top wall of said first sterilization case when said second sterilization case is stacked upon said first sterilization case in a vertical direction and when each of said first and said second sterilization cases are in said closed position." (Emphasis added). Applicant submits that such an invention is neither taught, disclosed or suggested by Lai and Schafer, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Lai discloses that bottom container 132 can be covered by the middle container of the stack of three containers while top container 13 is covered by lid 10 and is rotationally displaced from bottom container 132 and the middle container. Lai, however, fails to disclose the bottom wall of top container 13 at least partially directly contacting a top wall of bottom container 132 when both bottom container 132 and top container 13 are in closed positions. Schafer discloses a plurality of box-like units each having a top wall and a bottom wall which are not parallel to one another. Schafer also discloses that the top wall is not horizontally oriented. Schafer, thus, fails to disclose a case having top and bottom walls which are substantially parallel relative to one another and a top wall which is generally horizontally oriented.

An advantage of the present invention is that the first and second sterilization cases each have their own top and bottom walls in respective closed positions. Further, the top and bottom walls are simply made to be substantially parallel to one another and generally horizontally oriented in their respective closed positions.

For the foregoing reasons, Applicants submit that claim 18, and claim 19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 20 has been added to further protect the patentable subject matter of the present invention. Claim 20 recites in part "in said closed position said plurality of walls of each of said plurality of sterilization cases includes a front wall and a rear wall, said front wall and said rear wall of each of said plurality of sterilization cases being substantially parallel relative to one another in said closed position, said front wall of said second sterilization case being transversely offset from and substantially parallel to said front wall of said first sterilization case when each of said first and said second sterilization cases are in said closed position, said rear wall of said second sterilization case being transversely offset from and substantially parallel to said rear wall of said first sterilization case when each of said first and said second sterilization cases are in said closed position." (Emphasis added). None of the prior art references, alone or in combination, disclose or suggest this patentable feature.

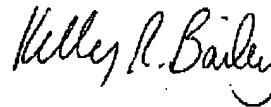
For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3727

Should any question concerning any of the foregoing arise, the Examiner is invited to
telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Kelly R. Bailey
Registration No. 57,284

KRB/bd

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile
to the U.S. Patent and Trademark Office, on: January 15, 2007.

Kelly R. Bailey, Reg. No. 57,284
Name of Registered Representative


Signature

January 15, 2007
Date